

UNITED STATES DISTRICT COURT

for the

Middle District of Alabama

United States of America)

v.)

CLARENCE SMILEY)

Date of Previous Judgment: 03/04/1998
(Use Date of Last Amended Judgment if Applicable)Case No: 2:93CR00310-009USM No: 09247-002

N/A

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 32

Amended Offense Level: _____

Criminal History Category: II

Criminal History Category: _____

Previous Guideline Range: 240 to 240 months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☒ Other (explain):

Defendant is not eligible for reduction. He was sentenced to the statutory mandatory minimum sentence.

III. ADDITIONAL COMMENTS

The Court has considered the factors set forth in 18 U.S.C. 3553(a) in making its reduction determination pursuant to 18 U.S.C. § 3582(c)(2)/Amendment 706.

Except as provided above, all provisions of the judgment dated 03/04/1998 shall remain in effect.

IT IS SO ORDERED.Order Date: 4/22/2010*Truman Hobbs*

Judge's signature

Effective Date: _____
(if different from order date)

TRUMAN HOBBS, SENIOR U.S. DISTRICT JUDGE
Printed name and title

SCANNED